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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

17 RENEE FASSBENDER AMOCHAEV,
DEBORAH ORLANDO, KATHRYN N.
18 VARNER and IVY SO, on behalf of
themselves and all others similarly situated,

19 Plaintiffs.

20 || v.

21 CITIGROUP GLOBAL MARKETS, INC.,
d/b/a SMITH BARNEY.

Defendant.

Case No. C-05-1298 PJH

CLASS ACTION

**STIPULATION AND ORDER
TRANSFERRING CASE TO THE
DISTRICT OF THE DISTRICT OF
COLUMBIA**

1 WHEREAS, the Court entered the final order and judgment in this gender
2 discrimination class action on August 13, 2008, but retained continuing jurisdiction over the
3 settlement;

4 WHEREAS, on January 13, 2009, Morgan Stanley and Citigroup announced that
5 they had reached agreement to combine Morgan Stanley's Global Wealth Management Group
6 and Citigroup's Smith Barney group (which employed the Financial Advisor class members in
7 this case);

8 WHEREAS, prior to the merger, Morgan Stanley had previously entered into a
9 settlement of a separately-pending gender discrimination class action on behalf of its female
10 Financial Advisors, *Augst-Johnson, et al v. Morgan Stanley & Co, Incorporated*, Case No. 1:06-
11 CV-01142 (RWR) (D.D.C.);

12 WHEREAS, since the merger, the parties in this case and *Augst-Johnson* worked
13 diligently to enter into a Consolidated Settlement Agreement combining the material terms
14 negotiated in both cases;

15 WHEREAS, the parties executed a Consolidated Settlement Agreement in late
16 May, 2011;

17 WHEREAS, in early June, 2011, counsel in this case alerted the Court to the
18 merger, the Consolidated Settlement Agreement, and the need to locate the Consolidated
19 Agreement combining both settlements under one judge;

20 WHEREAS, the Augst-Johnson was settled first and Morgan Stanley represents
21 the superior shareholder in the merged companies, the parties have proposed that the District of
22 Columbia be the venue for the Consolidated Settlement to proceed; and

23 WHEREAS, having discussed this matter with this Court and thereafter providing
24 the same information to Judge Richard W. Roberts, the presiding judge in *Augst-Johnson*, Judge
25 Roberts advised the parties in *Augst-Johnson* by Minute Order dated September 19, 2011, "This
26 Court is prepared to move forward with a transferred and consolidated related case....";

27
28

1 IT IS HEREBY STIPULATED, by and between the parties through their
2 respective counsel of record, that the parties respectfully propose that the Court transfer the file in
3 this case to the District of Columbia for consolidation with the *Augst-Johnson* case so that the
4 Consolidated Settlement Agreement may be considered, and with continuing jurisdiction to
5 remain over the settlement in the District of Columbia.

6 SO STIPULATED.

7 Dated: September 30, 2011

8 Respectfully submitted,

9 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

10 By: /s/ Kelly M. Dermody
11 Kelly M. Dermody

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23 *Plaintiffs' Class Counsel*

1 DATED: September, 30, 2011

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Attorneys for Defendant Morgan Stanley Smith Barney

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Clerk's Office is hereby directed to transfer the file in this case to the U.S. District Court for the District of Columbia for consideration of relation to *Augst-Johnson, et al v. Morgan Stanley & Co, Incorporated*, Case No. 1:06-CV-01142 (RWR) (D.D.C.).

Dated: October 3 , 2011

